



NOTICE OF REMOVAL OF CHILDREN

Directions: The Department of Family and Protective Services (DFPS), under Chapter 262 of the family code, has taken custody of your child or children. This form is to notify you, the parent, of the reason for removal and what your rights are as a parent.

To complete this form the removing caseworker enters all required information and provides you, the parent, with a copy of this form. You are not required to sign the form.

CASE INFORMATION

Custodial or noncustodial parent, or legal guardian:

Name, age, and sex of each child removed:

Name of Texas Department of Family and Protective Services (DFPS) representative:

Date and time that DFPS took custody of the child or children:



Facts that led DFPS to believe the child should be taken into custody. The caseworker must explain the facts for each child's removal. Attach extra pages as necessary:

This action is authorized by the Texas Family Code Chapter 262 and was taken because either situation below applied:

1. DFPS had reasonable cause to believe the child was in imminent danger of physical or sexual abuse.
2. DFPS was authorized to remove the child pursuant to an emergency court order. The emergency court order was sought because the child would have been placed in immediate danger if DFPS had waited for an adversary hearing.

For information, you may contact:

Office Address:

Day Phone:

Night Phone:

DOCUMENTATION OF DELIVERY

☐ Personal Delivery



☐ Left at Residence (enter address):

☐ Other (describe):

ACKNOWLEDGMENT OF RECEIPT

I acknowledge that I received this Notice of Removal of Children

Signature

X

Date Signed:

Relationship to Child:

☐ The parent or caregiver chooses to abstain from signing this Notice of Removal of Children.

LEGAL PROCEDURE



The probable legal procedures relating to the removal of your child are as follows:

1. DFPS will seek a court order to continue protecting your child. DFPS will request the court to appoint an attorney for the child and to hold a hearing to determine the child's immediate future.

The court will hold an initial hearing at least by the third work day after the child is taken into custody. The court will determine what is needed to protect the child's health or safety.

2. The court will hold a full adversary hearing within 14 days after the child is taken into custody if the child is not returned to you by that time. At this hearing DFPS will be required to provide evidence that your child was removed for good reason.

If the court agrees that the child should not be returned to you, the court will determine what is needed to protect the child's health and safety. The court will appoint an attorney for the child as soon as practicable. DFPS will request child support.

Your legal rights and duties are:

1. To receive this written notice when DFPS removes a child from your care that this removal is authorized by Chapter 262 of the Texas Family Code.
2. To be notified by the court of the full adversary hearing, if you are legally entitled to notice.
3. To be present at the full adversary hearing.
4. To pay DFPS child support for expenses of care and services.
5. To visit your child under certain pre-established conditions.
6. To regain possession of the child (the custodial parent only) in the following circumstances
 - a. If there was no time to obtain a court order before removal and the initial hearing is not held by the third work day after the child is taken into custody (the time limit required by Texas Family Code §262.106).
 - b. If there was no time to obtain a court order before removal and, at the initial hearing, the court finds that either:
 - There is no evidence of continuing danger to the child's physical health or safety
 - There is no evidence that the child was the victim of sexual abuse on one or more occasions and that there is no substantial risk that the child will be the victim of sexual abuse in the future.
 - c. If, at the full adversary hearing, the court **does not** find sufficient evidence that there is a danger to the child's physical health or safety caused by your actions or your failure to act.
7. To hire an attorney, as you are entitled to do. DFPS strongly urges you to contact an attorney for legal advice as soon as possible.

If you cannot afford a lawyer the court should appoint an attorney to represent you. DFPS staff are not allowed to give you legal advice.

This notice concerns only civil proceedings under the Texas Family Code. It is not intended to inform you about possible criminal actions.